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AMERICAN STRATEGIC INSURANCE CORP.

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

AMERICAN STRATEGIC INSURANCE CORP.,	)	CASE NO.: 2:18-cv-01590-APG-PAL
	)	
Plaintiff,	)	<b>JOINT STATUS REPORT</b>
	)	
vs.	)	
	)	
EUSEBIO V. AGONIAS; PAMATMAT D. AGONIAS; ATLAS GROUP, LC; DOES 1- 10, inclusive and ROE CORPORATIONS 1- 10, inclusive,	)	
	)	
Defendants.	)	

**COME NOW**, Plaintiff, AMERICAN STRATEGIC INSURANCE CORP. (hereinafter "Plaintiff"), by and through its attorneys of record, KOELLER, NEBEKER, CARLSON & HALUCK, LLP, and Defendants, EUSEBIO V. AGONIAS and PAMATMAT D. AGONIAS (hereinafter "Defendants"), by and through their attorneys of record, SANTORO WHITMIRE, and hereby submit this Joint Status Report as directed by the Court at the recent hearing on December 27, 2018. The parties are in active negotiations to resolve this matter and the parties anticipate that a formal resolution will be reached shortly.

The parties propose submitting another status report within twenty-one (21) days. It is foreseeable that a Stipulation for Dismissal may be submitted in the interim. The parties' proposal set forth herein is intended to relieve the Court of the necessity of further burdens of this matter.

1       **Status of Action:** Plaintiffs' Complaint seeks a judicial determination regarding its  
2 rights and duties under the policy of insurance issued to Defendants and pertains to a lawsuit  
3 filed against Defendants in the Eighth Judicial District of Nevada, Clark County (Case No. A-  
4 18-771932-C). Plaintiff filed its Complaint for Declaratory Relief on August 23, 2018, based  
5 upon complete diversity of the parties. (ECF No. 1 and ECF No. 11 at paragraphs 2, 4, 5-8,  
6 and 10.) Defendants filed their Motion to Dismiss or, in the Alternative, Stay this Declaratory  
7 Judgment Action (ECF No. 20) on November 13, 2018.

8       As noted herein, the parties are actively discussing a stay/dismissal of the declaratory  
9 relief action being put into place pending resolution of the lawsuit, Case No. A-18-771932-C,  
10 and their discussions have not yet concluded. The pending Motion to Dismiss or, in the  
11 Alternative, Stay this Declaratory Judgment Action (ECF No. 20) would be withdrawn as  
12 moot.

13       **Action Required by the Court:** There is currently pending one motion before the  
14 Court, Defendants' Motion to Dismiss or, in the Alternative, Stay this Declaratory Judgment  
15 Action (ECF No. 20) [hereinafter "Motion"]. This Motion will require adjudication by the  
16 Court. Plaintiffs' Response to the Motion was filed on November 27, 2018 (ECF No. 24).  
17 Defendants' Reply in Support of their Motion was filed on December 4, 2018 (ECF No. 25).

18       **Pending Motions:** There is currently pending one motion. The pending motion is  
19 Defendants' Motion to Dismiss or, in the Alternative, Stay this Declaratory Judgment Action  
20 (ECF No. 20). A Hearing date has not been scheduled.

21 DATED this 10<sup>th</sup> day of January, 2019.

DATED this 10<sup>th</sup> day of January, 2019.

22 KOELLER NEBEKER CARLSON  
23 & HALUCK, LLP

SANTORO WHITMIRE

24 By: 

25 MEGAN K. DORSEY, ESQ.  
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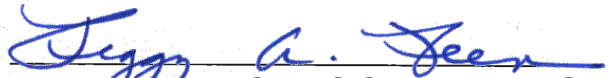
By: /s/ James E. Whitmire

JAMES E. WHITMIRE, ESQ.  
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Attorneys for Defendants,  
EUSEBIO V. AGONIAS and  
PAMATMAT D. AGONIAS

**ORDER**

Consistent with the foregoing, the parties are instructed to file a supplemental Joint Status Report in twenty-one (21) days with such deadline being January 31, 2019. Should the matter be resolved in the meantime, the parties are to file an appropriate Stipulation and Order.


**IT IS HEREBY SO ORDERED.**

  
UNITED STATES MAGISTRATE JUDGE

Dated: January 16, 2019

Submitted by,

KOELLER, NEBEKER CARLSON  
& HALUCK, LLP

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